

**United States District Court**

**for the**

**Eastern District of Washington**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jun 11, 2018**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Brett A. Luton

Case Number: 0980 2:14CR00021-RMP-23

Address of Offender: , Spokane, Washington 99208

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U. S. District Judge

Date of Original Sentence: April 1, 2015

Original Offense: Conspiracy to Possess with Intent to Distribute Oxycodone Hydrochloride, 21 U.S.C. §§ 841(a)(1), and U.S.C. § 846

Original Sentence: Prison - 6 Months;  
TSR - 36 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: James Goeke

Date Supervision Commenced: October 29, 2015

Defense Attorney: David Fletcher

Date Supervision Expires: October 28, 2018

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**PETITIONING THE COURT**

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 04/14/2017, 05/31/2017, 03/06/2018, and 05/09/2018.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

7

**Mandatory Condition # 4:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.

**Supporting Evidence:** On October 30, 2015, Mr. Brett Luton signed his conditions relative to case number 2:14CR00021-RMP-23, indicating he understood all conditions as ordered by the Court. Specifically, Mr. Luton was made aware by his U.S. probation officer that he was required to refrain from the use of illicit substances.

Mr. Luton is alleged to have violated mandatory condition number 4 by ingesting cocaine on or about May 27, 2018, based on his admission.

Specifically, on June 5, 2018, Mr. Luton reported to the U.S. Probation Office in Spokane, to address two missed random urinalysis samples the client had been required to submit to during the previous week. As a part of the contact, the client submitted to urinalysis testing, the results of which were determined to be presumptive positive for both THC and cocaine.

**Re: Luton, Brett A**

**June 8, 2018**

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It should be noted the presence of THC in the sample submitted would be consistent with the client's prescribed medication regimen as previously approved by the Court. Mr. Luton denied any recent use of cocaine, but did admit to using cocaine last on or about May 27, 2018, indicating he continues to be overwhelmed by a recent exacerbation of his medical symptoms. Mr. Luton did sign a drug use admission form documenting his use of cocaine on or about May 27, 2018, and the sample in question was forwarded to the lab based on the client's recent denial of use. The results of this test have not yet been received by this office as of the writing of this report.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 04/14/2017, 05/31/2017, 03/06/2018, and 05/09/2018.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 8, 2018

s/Chris Heinen

Chris Heinen  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

6/8/2018

Date